

UNITED STATES DISTRICT COURT  
DISTRICT OF PUERTO RICO

**RAFAEL REFOJOS & ASSOC., et als.,**  
Plaintiffs,

v.

**CIVIL NO. 03-1797 (DRD)**

**IDEAL AUTOMOTIVE, et als.,**  
Defendants.

**ORDER**

Pending before the Court is plaintiffs' *Motion to Compel Depositions*. (Docket No. 49). Through said motion, plaintiffs request the Court order defendants Ideal Automotive and Truck Accessories, Inc. ("Ideal") and Durakon Industries ("Durakon") to submit to depositions upon written interrogatories pursuant to Fed.R.Civ.P. 31(a). In the alternative, plaintiffs move the Court to preclude the testimony at trial of the defendants that are not deposed. Subsequently, on October 14, 2004, plaintiffs filed *Plaintiffs' Motion for Leave to Partially Withdraw Motion to Compel Only as to Durakon Industries, Inc.* (Docket No. 52). Plaintiffs explained to the Court that they wished to withdraw their request to compel regarding Durakon due to Durakon having submitted to depositions and complied with the discovery requested from it. The Court granted plaintiffs' request on October 15, 2004. (Docket No. 53).

Following this *Order*, on March 9, 2005, the Court granted co-defendant Ideal's motion for summary judgment, thus dismissing all claims against it. (Docket No. 79). Accordingly, the Court finds plaintiffs' pending request to compel Ideal to depositions **MOOT**.

**IT IS SO ORDERED.**

**Date: May 31, 2004**

S/ Daniel R. Dominguez  
**DANIEL R. DOMINGUEZ**  
**U.S. DISTRICT JUDGE**